

Federal Defenders
OF NEW YORK, INC.

Southern District
52 Duane Street, 10th Floor
New York, NY 10007
Tel: (212) 417-8700 Fax: (212) 571-0392

Tamara Giwa
Executive Director

Jennifer L. Brown
Attorney-in-Charge

February 11, 2025

BY ECF

Hon. Dale E. Ho
United States District Judge
Southern District of New York
40 Foley Square
New York, NY 10007

**Re: United States v. Christopher White
24 Cr. 300 (DEH)**

Dear Judge Ho:

I write, as counsel to Christopher White in the above-captioned matter, to respectfully request a temporary modification of Mr. White's bail conditions to allow him to stay overnight at his sister's home in New Jersey on February 15 to spend time with extended family and celebrate his partner's birthday, returning home on February 16. The government objects to this request on the same basis as its prior submission. Doc. 37. Pretrial Services objects to this request as a matter of policy: because Mr. White has a location monitor, Pretrial cannot consent to overnight travel.

Mr. White was originally charged in Bronx state court on May 19, 2023. He was then charged in federal court for the same conduct on September 21, 2023; the state case was not dismissed. Following a contested detention hearing in federal court, the following conditions were set:

\$25,000 personal recognizance bond to be co-signed by one financially responsible person and one individual with moral suasion over Mr. White (specifically, Delilah Santos, his girlfriend); compliance with Pretrial Services supervision as directed; curfew set at the discretion of Pretrial Services; electronic monitoring technology as directed by Pretrial Services; no possession of any firearm, destructive device, or other weapons; surrender all travel documents with no new applications; travel restricted to the Southern District of New York, the Eastern District of New York, the District of New Jersey, and for court purposes only, the Eastern District of PA.

Mr. White was to be released on his own signature and the signature of Delilah Santos, with the remaining conditions to be met by October 5, 2023.

On November 2, 2023, the government withdrew Mr. White's case from the grand jury and dismissed the federal complaint without prejudice. On May 14, 2024, he was rearrested after a federal grand jury returned an indictment. Mr. White was presented in Magistrate Court and released on the same conditions that had been previously set in federal court.

Mr. White has now been on some form of pretrial release—state and/or federal—for nearly two years. During this time, Mr. White has remained in consistent compliance with the conditions of his release as confirmed by Pretrial Services. He has not been rearrested and he has not posed a danger to the community. He has made all of his appearances in state and federal court, including his most recent appearance before Your Honor on January 6. In August 2024, Pretrial Services consented to Mr. White's request to remove the bail condition imposing a curfew enforced by electronic monitoring, expressing its belief that the curfew condition is unnecessary to ensure Mr. White's continued appearance in court and the safety of the community. Dkt. 22. The Court denied this request. Dkt. 25.

While Mr. White's conditions of release include permission to travel to the District of New Jersey, he may not stay overnight in New Jersey absent a Court order because he is subject to a curfew with electronic monitoring. Given this, the Court has consistently granted Mr. White's requests to spend the night at his sister's home in New Jersey, even over the objections of Pretrial Services and the government. In January 2025, the Court granted Mr. White's request to stay overnight at his sister's home in New Jersey, where he now requests permission to spend the night on February 15.¹ Doc. 38. And in November 2024, shortly after Mr. White's father passed away, the Court granted Mr. White permission to spend Thanksgiving weekend with his siblings at his sister's home in New Jersey. Doc. 31. Each time, Mr. White has complied with the express conditions of the temporary bail modification without incident.

Pretrial conditions of release must serve "compelling governmental interests." *United States v. Salerno*, 481 U.S. 739, 748 (1987). Further, "[d]ue process requires that a pretrial detainee not be punished." *Bell v. Wolfish*, 441 U.S. 520, 537 n.16 (1979). Given Mr. White's established compliance with the conditions of his pretrial release—including when granted temporary bail modifications that loosen his travel restrictions—refusing to allow Mr. White to spend the night at his sister's home in New Jersey does not serve a compelling government interest. Rather, preventing Mr. White from staying at his sister's home to spend time with extended family after he has proven that he is not a risk of flight nor a danger to the community merely punishes Mr. White for being accused of a crime. That is not what the law allows.

Accordingly, Mr. White respectfully requests a temporary modification of his bail conditions to allow him to stay overnight at his sister's home in New Jersey on February 15 to

¹ The Court also granted Mr. White's request to travel to and stay overnight in Philadelphia to attend his future stepdaughter's cheerleading competition. Doc. 38.

spend time with his extended family. The government objects to this request on the same basis as its prior submission. Doc. 37. Pretrial objects to this request as a matter of policy.

Thank you for your consideration of this request.

Respectfully submitted,

/s/

Marne L. Lenox, Esq.

Counsel for Christopher White

cc: Counsel of record

Application **GRANTED**. The Court understands Pretrial Services' position as follows: that it objects to temporary modification of Mr. White's bail conditions as a matter of policy because temporarily altering those conditions is burdensome, see ECF No. 37; but that it would have no objection to removal of the curfew condition altogether, see ECF No. 22. In light of the latter, the Court will approve the requested temporary modifications of Mr. White's bail conditions.

Accordingly, Mr. White is permitted to travel and stay overnight at the home of his sister in New Jersey between February 15 and February 16. Mr. White is directed to provide Pretrial Services with the address he will be staying at. The Clerk of Court is respectfully directed to terminate ECF No. 39. **SO ORDERED.**

Dated: February 12, 2025
New York, New York



Dale E. Ho
United States District Judge